



Task Force on Trial Court Employees

DRAFT Meeting Minutes

February 25–26, 1999

Concord Hilton, Concord, California

TASK FORCE MEMBERS:

PRESENT:

Hon. James A. Ardaiz, Chair
Ms. Pamela Aguilar
Marshal Barbara J. Bare
Hon. Aviva K. Bobb
Hon. Charles D. Field
Ms. Karleen A. George
Ms. Diane Givens
Mr. Ronald G. Overholt
Ms. Christine E. Patton
Sheriff Charles Plummer
Mr. John Sansone
Mr. Mike Vargas

ABSENT:

Mr. Gary Cramer (Represented by Ms. Beth Winters)
Ms. Karleen A. George (Represented on 2/25/99 by Mr. Mike Terry)
Ms. Mary Louise Lee (Represented by Mr. Terry Brennand)
Mr. Steve Perez
Mr. Larry Spikes (Represented by Ms. Allison Picard)
Mr. Robert Straight (Represented by Mr. Pedro Reyes)
Mr. Robert D. Walton (Represented by Mr. David Christianson)

ADMINISTRATIVE OFFICE OF THE COURTS STAFF:

Ms. Judith A. Myers, Director, Human Resources Bureau
Ms. Deborah Brown, Attorney, Council and Legal Services Division
Ms. Tina Burkhart, Court Services Analyst, Trial Court Services Division
Ms. Noema Olivas, Secretary, Human Resources Bureau
Ms. Hazel Ann Reimche, Human Resources Analyst, Human Resources Bureau
Ms. Sharon Smith, Staff Analyst, Human Resources Bureau

OTHER STAFF:

Mr. Peter Kutras, Deputy County Executive, County of Santa Clara

FACILITATOR:

Ms. Liz Schiff, Organizational Development Specialist, Human Resources Bureau, Administrative Office of the Courts

Thursday, February 25, 1999

I. OPENING REMARKS

Justice James A. Ardaiz called the meeting to order at 10:16 a.m. in Concord and welcomed everyone to the ninth task force meeting.

II. PUBLIC COMMENT PERIOD

There were no public speakers during the public comment period.

III. REVIEW OF JANUARY TASK FORCE MEETING AND ANNOUNCEMENTS FOR TODAY'S MEETING

Justice Ardaiz summarized the January 26–28, 1999, meeting, which included: (1) review of the Employment Protection System Model, (2) agreement to a proposed Conflict of Interest Code, (3) discussion of the meet and confer model, (4) review of the advisory vote and public entity poll proposals, (5) discussion of the interim report and (6) discussion of retirement issues.

Justice Ardaiz identified the following objectives for the February meeting:

- Provide an opportunity for communication through a public comment period;
- Revisit the definition of “court employee” for purposes of the survey and revise as appropriate;
- Review, discuss, and consider members’ input on the revised Employment Protection System Model and reach consensus;
- Review the rule enforcement issue and reach consensus on the Meet and Confer Model;
- Review the Advisory Vote and Public Entity Poll Models and reach agreement;
- In relation to retirement benefits:
 - Review assumptions/objectives,
 - Review members’ issues regarding retirement questions, and
 - Discuss proposed staff model and attempt to reach consensus; and
- Review definitions of state, county, court, and other employment status options for purposes of the survey and for final recommendations.

Ms. Liz Schiff reviewed the agenda and ground rules for the meeting.

Justice Ardaiz asked if there were any additions or corrections to the January meeting minutes. Marshal Barbara Bare moved that the January minutes be accepted. Sheriff Charles Plummer seconded the motion. The January minutes were adopted without additions or corrections.

IV. DEFINITION OF COURT EMPLOYEE

Ms. Judith A. Myers reviewed the Final Model for the Survey Definition of Court Employee, which was revised at the January meeting. Additional questions were asked about the court employee definition, as a result of the pilot of the survey conducted in the past few weeks. Specifically, questions arose about whether judges should be considered employees. Staff proposed to add **(f) judges, either elected or appointed** to the exclusion list in the definition of court employee to make it clear that judges should be excluded from the survey. Questions about subordinate judicial officers were also raised. Ms. Myers also presented the following additional modification; **this definition includes subordinate judicial officers, (e.g., pro tem judges, commissioners, etc.)**, and suggested that it be included in the definition to clarify that subordinate judicial officers are included in the definition.

Ms. Pamela Aguilar moved to adopt the proposal. Mr. John Sansone seconded the motion. The task force adopted the revised survey definition of “court employee.”

Ms. Myers asked the task force to review the court employee definition and consider if any changes are necessary for the interim report and advisory vote. She requested that task force members submit their comments and proposed changes to the task force staff by March 3. The issue will be discussed at the Fresno meeting.

V. EMPLOYEE ADVISORY VOTE AND PUBLIC ENTITY POLL MODELS

Ms. Myers presented the assumptions and objectives of the advisory vote for employees and the public entity poll. A primary objective in developing the advisory vote and public entity poll models was to obtain information about employee preferences regarding employment status options, including second and third preferences. The task force will consider the results of the advisory vote and the public entity poll in making its final recommendation. Ms. Myers stated that the statute does not specify who will conduct the advisory vote, when it will be taken, or who will use the information it provides. The task force discussed the advisory vote and public entity poll models, modified them, and agreed to review the revised proposal in March.

VI. EMPLOYMENT PROTECTION SYSTEM MODEL

Justice Ardaiz introduced the Employment Protection System Model and reviewed with the group the history of the model. The goal of the meeting is to reach tentative agreement on the model. Ms. Mary Louise Lee and Ms. Karleen A. George joined this portion of the meeting via conference call. Ms. Deborah Brown summarized the comments received from the task force and reviewed the staff’s modified model designed to address the comments.

A general discussion took place, facilitated by Ms. Schiff. Mr. Sansone made a motion that the language of paragraph II. C. 2. of the working model be revised to state that employees

in unrepresented positions may be excluded from the employment protection system based on the decision of each trial court. The motion failed for lack of a second. Ms. Aguilar moved to accept the Employment Protection System Model; Marshal Bare seconded the motion. The task force approved the working model, with Mr. John Sansone opposed based upon the language of paragraph II. C. 2. of the working model.

VII. MEET AND CONFER MODEL RULE ENFORCEMENT ISSUE

Ms. Brown introduced Mr. Peter Kutras, Deputy County Executive, County of Santa Clara and Ms. Tina Burkhart, Court Services Analyst, Trial Court Services Division, who gave a brief presentation on local rules regarding unfair labor practices. Their presentation was based on a small sampling of small, medium, and large courts in Northern and Southern California. Of the 18 counties sampled, 9 have local rules regarding unfair labor practices, and the remainder go to the board of supervisors to resolve the dispute.

Ms. Brown reviewed the comments received and concerns expressed about the Meet and Confer Model. Ms. Schiff facilitated a full group discussion of the model. The group agreed to propose a statutory change to Government Code section 68654, specifying that the fact finder shall not be from the affected court. The model will include a recommendation to draft a rule of court establishing the selection process in the Court of Appeal. Language to this effect will be drafted by staff and presented at the March meeting.

VIII. CLOSING REMARKS

Justice Ardaiz thanked the task force and the staff for their efforts and adjourned the meeting at 4:00 p.m.

Friday, February 26, 1999

I. OPENING REMARKS

Justice Ardaiz, chair, called the meeting to order at 8:25 a.m. and welcomed everyone to the second day of the task force meeting in Concord.

II. RETIREMENT MODEL

Justice Ardaiz reviewed the assumptions and objectives relating to retirement that were proposed at the January meeting. Information was presented based on responses to questions that had been submitted to Mr. Drew James of William M. Mercer and Mr. David Christianson of California Public Employees Retirement System (CalPERS) regarding retirement systems. Ms. Myers presented and discussed the staff's proposed retirement model. Ms. Schiff facilitated a full-group discussion regarding the retirement model.

During this discussion the task force identified several issues of concern. The task force decided to table the retirement discussion until the next meeting to allow staff to gather more information and to research the issues raised.

III. MEETING SUMMARY AND CLOSING REMARKS

It was announced that because the February and March meetings are close together, the minutes for both meetings would be presented for adoption at the April task force meeting.

A handout was distributed to the task force containing all models developed to date and the employment status options definitions. Task force members were asked to review this information before the next meeting in Fresno.

Justice Ardaiz adjourned the meeting at 2:15 p.m.